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10/067,688	02/04/2002	Roland Kraus	40997 US	6984

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EXAMINER

DINH, PHUONG K

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/067,688

Applicant(s)

KRAUS ET AL.

Examiner

Phuong KT Dinh

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2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claims 6 and 15, the "beveled" guide portions and the must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Figure 3, 108A, 108B are not directed to teeth.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haesly et al. (U. S. Patent 4,327,964) in view of Yamada et al. (U. S. Patent 4,986,625)

4. Regarding claim 1, Haesly, see 1-7, discloses a housing 11 with receptacle for receiving an optical fiber with retention member 22, 23 made of the same material as the housing.

5. Haesly discloses the claimed invention except for the retention member being initially supporting in a pre assembly position.

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6. Yamada is relied upon to show a housing for receiving an optical fiber with retention member 20 being initially supported in a pre assembly position (see figure 3A) as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haesly to provide the retention member being initially supported in pre assembly position as taught by Yamada so as to provide quick assembly and reduce cost of assembly.

7. Regarding claim 2, Haesly and Yamada disclose the claimed invention except for the retention member is formed integrally with the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haesly and Yamada to provide the retention is formed integrally with the housing, since it has been held that forming in one piece an article which has formerly been formed in two piece and put together involves only routine skill in the art. In re Lindberg, 93 USPQ 23 (CCPA 1952).

8. Regarding claim 5, Haesly discloses guide slots 15, 20 along which retention member is displaceable. However projections for guiding are not shown.

9. Regarding claim 6, Haesly discloses the claimed invention except for the guide projections are beveled. Yamada, see figure 3A discloses the guide projections are beveled, (near lead line 23) such that the retention member is fixed by clamping when inserted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haesly to provide the guide projections are beveled as taught by Yamada so as to accurate insertion of the retention member.

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10. Regarding claim 7, Haesly discloses a tubular 17-insertion aid formed as an extension into the receptacle.

11. Regarding claim 8, Haesly, discloses the housing 11 comprises two receptacles, onto which two optical fibers are respectively insertable substantially parallel to one another and the optical fibers.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haesly et al. in view of Yamada and further in view of Yagi (U. S. Patent 5,835,652).

13. Regarding claim 3, Haesly and Yamada disclose the claimed invention except for the retention member further comprises teeth disposed on a surface of the retention member, which engages the optical fiber. Yagi discloses the retainer member with teeth at 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haesly in view of Yamada to provide the retainer with teeth as taught by Yagi because this would help to grip the fiber.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haesly et al. in view of Yamada and further in view of Wolfthal (U. S. Patent 4,211,462).

15. Regarding claim 4, Haesly and Yamada disclose the claimed invention except for the retention member comprises a receptacle for receiving a plunger of an assembly tool. Wolfthal, see figure 7, discloses the retention member 82 has a receptacle 112 and 120 for receiving a plunger of an assembly tool 138. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haesly and Yamada to provide the for the retention member comprises a receptacle for receiving a

plunger of an assembly tool as taught by Wolfthal so as to push the retainer in position.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 9, 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada.

18. Regarding claim 9, Yamada, see figures 1-6, discloses an optical connection comprising: a housing 10 having at least one receptacle which is open to a first side 13 and open to a second side thereof; a fiber 5 being received through the first side in to the receptacle and a retention member 20 being received from the second side in to the receptacle and being in engagement with the fiber to retain the fiber within the receptacle.

19. Regarding claim 14, Yamada discloses the housing 10 further comprises the guide projection 14 along which the retention member 20 is displaceable.

20. Regarding claim 15, Yamada, see figure 3A, discloses the guide projections are beveled (near lead line 23) such that the retention member is frictionally fixed when inserted into the receptacle.

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21. Regarding claim 16, Yamada discloses a tubular 12-insertion aid formed as an extension into the receptacle.

22. Regarding claim 17, Yamada, see figures 11, 13, the housing comprises two receptacles, onto which two optical fibers are respectively insertable substantially parallel to one another and the optical fibers are fixable by means of the same retention member 113.

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 10-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U. S. Patent 4,986,625) in view of Wolfthal (U. S. Patent 4,211,462).

25. Regarding claim 10, Yamada discloses the claimed invention except for the retention member is formed integrally with the housing. Wolfthal, see figure 7, discloses a connector with an integral retainer 82. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamada to provide the retention member is formed integrally with the housing as taught by Wolfthal because this would simplify manufacture of the assembly.

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26. Regarding claim 11, Yamada discloses the claimed invention except for the retention member is joined to the housing by at least one frangible web. Wolfthal discloses a frangible web 90, see figure 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamada to provide the frangible web as taught by Wolfthal so as to require less separate parts.

27. Regarding claim 13, Yamada discloses the claimed invention except for the retention member comprises a receptacle for receiving a plunger of an assembly tool. Wolfthal, see figure 7, discloses the retention member 82 has a receptacle 112 and 120 for receiving a plunger of an assembly tool 138. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamada and Haesly to provide the for the retention member comprises a receptacle for receiving a plunger of an assembly tool as taught by Wolfthal so as to pushes the retainer member in position.

28. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U. S. Patent 4,986,625) in view of Yagi (U. S. Patent 5,835,652).

29. Regarding claim 12, Yamada discloses the claimed invention except for the retention member further comprises teeth disposed on a surface of the retention member, which engages the optical fiber. Yagi discloses the retainer member with teeth at 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamada and Haesly to provide the retainer with teeth as taught by Yagi because this would help to grip the fiber.



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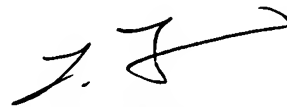
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong KT Dinh whose telephone number is 703-308-6102. The examiner can normally be reached on 8 -5, 5 days a week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on 703-308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Phuong Dinh  
June 2, 2003

  
LYNN FIELD  
SUPERVISORY PATENT EXAMINER  
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